Minutes of the 87th meeting of the Board of the EHRC

23 January 2020
Fleetbank House, 2-6 Salisbury Square, London, EC4Y 8JX

Attending:
Commissioners
David Isaac, Chair (absent for item 9.5)
Suzanne Baxter
Alasdair Henderson
Susan Johnson
Helen Mahy (absent for item 8.1c)
Mark McLane
Caroline Waters (chairing at item 9.5)
Rebecca Hilsenrath, Chief Executive Officer (absent for item 9.3)

Officers
Erica Boardman, Communications (item 9 only)
Malcolm Cornberg, Executive Director, Corporate Services (absent for item 9.3)
Melanie Field, Executive Director, Wales and Strategy and Policy (absent for item 9.3)
Tessa Griffiths, Director, Strategy and Governance
Richard Mabbitt, Senior Associate - Governance
Callum MacInnes, Principal - Governance
Alasdair MacDonald, Policy (item 9 only)
Rebecca Newsome, Senior Associate - Communications (absent for item 9)
Olufemi Oguntunde, Director - Finance and Procurement (absent for item 9)
Alastair Pringle, Executive Director - Scotland and Corporate Delivery
Members of the Commission's Investigations team also attended for item 9.

Guests
Paul Epstein QC (item 9.5 only)
Sarah Hannett, Matrix Law (item 9.3 only)
Henrietta Hill QC (item 9.3 only)
Alison Parken, Interim Chair - EHRC Wales Committee
Charles Ramsden - Government Equalities Office (absent for item 9)

1. Chair's introduction

1.1 David Isaac welcomed attendees, particularly Malcom Cornberg who was attending for his first Board meeting. Alison Parken continued to attend as interim chair of the Commission's Wales Committee, pending the appointment of a Wales Commissioner.

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2. Apologies for absence

2.1 Apologies had been received from Pavita Cooper and Lesley Sawers.

3. Declarations of interest

3.1 No declarations were made additional to those already registered. (Check against Investigations item)

4. Minutes of the last meeting

4.1 The minutes of the 86th Board meeting of 14 November 2019 **(EHRC 87.01)** were agreed as a true record.

5. Actions arising

5.1 The Board reviewed the log of actions arising from Board meetings **(EHRC 87.02).**

a) The between-meeting update paper on pay gaps (Action 86/7.1g) was still outstanding. This would now be provided following discussion of the BBC Investigation at item xx.
b) In respect of Action 84/7.9 (Delivery and Financial Management – lessons learned review) Susan Johnson reported that progress had been reviewed at the ARAC meeting of 26 November and considered satisfactory. However, ARAC had advised keeping the action open, given the pending Spending Review settlement.

5.2 The Board was content that remaining actions were complete, progressing satisfactorily, or to be addressed under later agenda items.

6. Agreement of away day actions

6.1 Tessa Griffiths provided a readout of discussions at the Board and Executive Group away day that had been held on 22 January 2020.

6.2 Attendees had discussed the post general election political context in which the Commission operated, including:

a) the importance of clear recommendations around both the role of political parties and membership bodies in effective and inclusive discourse and decision-making, and partnership with race stakeholders on institutional racism and the public sector equality duty.
The Executive would consider the points raised in the discussion and report back to the Board. **Action: Alasdair MacDonald**
b) the Commission's positioning, activity and relationship-building in relation to the ongoing debate about the future of the Human Rights Act. Officers would develop more detailed proposals for the Board's consideration. **Action: Melanie Field**

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c) future inquiries: Officers would develop proposals taking into account Board members' feedback for Board to consider further. **Action: Laura Lucking**

d) plans for an England Strategy, which Officers would develop further in the light of Board members' feedback and in discussion with Caroline Waters as Lead Commissioner. **Action: Erica Boardman**

6.3 Attendees had discussed the forthcoming Spending Review. Officers would: (as a priority) develop an external narrative; progress the internal plan on the basis of settlement scenarios; and work with stakeholders, including the Cabinet Office. **Action: Erica Boardman** (external narrative); **Sarah Maclean/Tessa Griffiths** (internal plan); **Sarah Maclean/Tessa Griffiths** (engagement with Cabinet Office).

6.4 Attendees had discussed stakeholders and current relationships, including feedback from the Strategic Reference Group (SRG) meeting. Officers would also share readout from the SRG with the Board. **Action: Erica Boardman**

6.5 David Isaac thanked attendees and facilitators for a productive and constructive away day. A formal note would be circulated to record the wide-ranging discussions of the day, along with agreed timelines for action and progress summaries. **Action: Sarah Maclean/Tessa Griffiths**

7. Commissioner updates

7.1 Lesley Sawers, Caroline Waters and Alison Parken had met separately to mutually update on the Commission's Scotland, Wales, and England-regional work.

7.2 For the Wales Committee, Alison Parken noted that the Welsh Government's socio-economic duty consultation had completed and that the Commission would be hosting a launch event with the Welsh Government for stakeholders on 11 March. She also reported that the appointment process for new Wales Committee members was nearing completion, with final interviews taking place on 28 January. Recommendations for appointment would be brought to the Board meeting of 11 March 2020. **Action: Melanie Field/ Alison Parken**

7.3 Disability Advisory Committee would meet on 4 February.

7.4 Audit and Risk Assurance Committee would meet on 11 February.

7.5 Caroline Waters reported that Human Resources and Remuneration Committee (HRRC) had met on 14 January. The Committee had discussed the Commission's skills and talent management; succession planning; and Board and senior staff engagement and development. Full HRRC meeting minutes would be shared shortly.

7.6 Noting that the Wales Committee vacancies had attracted a wide range of applicants, the Board reflected on the importance of diversity on public appointments, and the barriers faced by some applicants. While the

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Commission was able to advise on the criteria and process for the appointment of Commissioners, responsibility for these lay with GEO and the Secretary of State. Nonetheless, the Board felt the Commission could usefully explore shadowing and other means of giving potential candidates experience of non-executive roles, and asked HRRC to consider this further. **Action: Joe Corcos/Caroline Waters)**

8. Executive Updates

8.1 Rebecca Hilsenrath, supported by Executive Directors, presented the CEO's report on strategic issues and performance **(EHRC 87.03).** Board members noted in particular:

a) the Launch of the Commission's sexual harassment technical guidance on 15 January. This had been widely praised by a range of stakeholders, and the Board thanked Helen Mahy for her important role in the launch event.

b) good progress on senior staff appointments, with the appointment of a new Legal Director nearing completion. Board members noted with approval the use of a staff panel as part of the appointment process.

c) the Commission's decision to progress the Judicial Review of Whorlton Hall, subject to deferral should the relevant work with the Commission to implement agreed improvements. Board members asked for details of the parent company and other interested parties to be shared. **Action: Alastair Pringle**

d) that revised KPIs for 2020/21, including on strategic litigation, would be brought to the March Board meeting. **Action: Tessa Griffiths/Sarah Maclean**

e) Rebecca Hilsenrath's attendance at [national leadership conference for public sector leaders]

f) Ongoing discussions with GEO on the EASS helpline. The Commission was exploring the feasibility of bidding for the helpline contract (which was ending in June 2021), working with a partner organisation. The Board acknowledged the potential benefits of bringing the helpline back 'in house' but noted the complex governance and resourcing implications this could entail. It asked that it be kept informed of developments and have sign off on any final proposals. **Action: Tessa Griffiths/Sarah Maclean** to provide an update at a future board meeting.

8.2 The Board reviewed the forecast outturn, year to date performance, and forecast financial risks at Period 8, as set out in the Finance Report **(EHRC 87.04).** It was noted that weekly reports were being provided to David Isaac and Susan Johnson in the critical year-end period

8.3 Board members noted that the window for initiating pipeline projects was diminishing and asked to be notified when the window was effectively over, with a summary of projects that had been initiated. **Action: Malcolm Cornberg**

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8.4 Board members noted the importance of clear reporting on the use of interim and short term staff to both ARAC and HRRC.

9. Investigations

9.1 The Commission's Investigations team introduced discussants and gave a summary of the background to the investigations.

9.2 Attendees who had not signed up to the data security handling plan and conflict of interest management process for the Labour Party investigation, or who had declared conflicts of interest, recused themselves from discussion of this investigation.

9.3 Alasdair Henderson, Henrietta Hill QC, and Sarah Hannett, supported by members of the Commission's Investigations team, gave an update to the Board on progress of the Labour Party Investigation (paper EHRC 87.05A refers). The Board was content with progress and asked for a further discussion at its meeting of 11 March 2020. **Action: Investigations Team**

9.4 Attendees who had not signed up to the data security handling plan and conflict of interest management process for the BBC investigation, or who had declared conflicts of interest, recused themselves from discussion of this investigation.

9.5 Suzanne Baxter and Paul Epstein QC, supported by members of the Commission's Investigations team, provided an update on the BBC Investigation (Paper EHRC 87.05B refers). The Board was content with progress and asked for further discussion at its meeting of 11 March 2020 with members of the Legal team supporting. **Action: Investigations Team**

10. Business Plan

10.1 Tessa Griffiths introduced the Business Plan **(EHRC 87.06)**. This version was a high level document for external use. It had been developed in consultation with stakeholders and with oversight from the Chair and a small group of Commissioners to reflect the Commissioners core aim and strategic goals.

10.2 The Board felt that the content of the document was sound and reflected the Commission's strategic purpose. It considered that the document was clearly and logically set out, and was content that the business plan be published as planned in advance of the new financial year.

10.3 However, it asked that officers give the text a final review to ensure alignment with the outcomes of the Board and Executive Group away day of 22 January 2020. With the incorporation of any minor amendments arising, the Board was content to sign off the final text by correspondence. **Action: Tessa Griffiths/Sarah Maclean** to share the final draft of the document with the Board by correspondence, ahead of publication.

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11. Commonwealth Forum of National Human Rights Institutions (CFNHRI) Update

11.1 Rebecca Hilsenrath and Rebecca Newsome provided a progress report on the Commission's chairing of the CFNHRI (**EHRC 87.07).** Board members:

a) noted the benefits that had arisen from the focus on strengthening the governance of the Forum and increasing sustainability during the Commission's term as chair;
b) supported the Commission's work to establish a Permanent Secretariat to run the day-to-day operations of CFNHRI, thereby reducing the financial and administrative burden on future Chairs and increasing the effectiveness of the Forum;
c) welcomed the further consolidation of the EHRC's international reputation and noted the opportunities to strengthen the Commission's reputation and influence domestically;
d) felt that there would be valuable learning from this project in terms of collaborative working with Government Departments and others.

11.2 The Board thanked Rebecca Newsome and Holly Thacker for their hard work in building the capacity of the Forum during the Commission's tenure as chair.

12. Any other business

12.1 Board members noted that judgement would shortly be handed down in the Shemima Begum Citizenship case.

12.2 Caroline Waters flagged that the Leaders as Change Agents (LACA) group on which she sat would be producing guidance in the form of three pledges and 10 Asks of leaders to create more inclusive work cultures. These will launch shortly. LACA would be attending UN in March with GEO to represent the UK position, with a particular focus on GPG.

13.3 The Board acknowledged Richard Mabbitt's last meeting as Board Secretary. They thanked him for his sterling service and wished him well in his new role.

13.4 With no other business being raised, David Isaac thanked Board members and staff for their contributions, and drew the formal meeting to a close. The Board would next meet on 11 March 2020.

Agreed by the Board at its meeting of 23 January 2020.

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